

**Cera International Corporation and Shopmen's Local Union No. 508, International Association of Bridge, Structural and Ornamental Iron Workers, AFL-CIO. Case 7-CA-18319**

26 August 1983

**SUPPLEMENTAL DECISION AND ORDER**

**BY MEMBERS JENKINS, ZIMMERMAN, AND HUNTER**

On 30 June 1982 the National Labor Relations Board issued its Decision and Order<sup>1</sup> in the above-entitled proceeding in which it found that Respondent had violated Section 8(a)(1) and (3) of the Act when it discharged its employee Robert L. Whitney because of his membership in and activities in support of the Union. The Board ordered Respondent to make whole Robert L. Whitney for any loss of earnings he may have suffered by reason of his being unlawfully discharged.

A controversy having arisen over the amount of backpay due the discriminatee, the Regional Director for Region 7 on 5 October 1982 issued a backpay specification and notice of hearing notifying Respondent that it had 15 days to file an answer to the specification. On 5 November 1982 the Regional attorney for Region 7 wrote to Respondent notifying it that no answer had yet been filed, advising it of the answer-filing requirements, and extending the deadline for filing an answer to 15 November 1982. On 16 December 1982 the General Counsel filed with the Board in Washington, D.C., a "Motion To Transfer Case to the Board and for Default Summary Judgment," with exhibits attached, including a supporting affidavit. On 22 De-

cember 1982 the Board issued an order transferring proceeding to the Board and Notice To Show Cause why the General Counsel's Motion for Default Summary Judgment should not be granted. Respondent has failed to respond within the time provided, or since.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record herein, including the correspondence between Respondent and the General Counsel, and hereby grants the General Counsel's Motion for Default Summary Judgment. Pursuant to Section 102.54(c) of the National Labor Relations Board Rules and Regulations, Series 8, as amended, we hereby deem Respondent to have admitted all allegations of the backpay specification to be true, and we will order it to pay the amounts alleged therein to be due the named employee.

**ORDER**

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondent, Cera International Corporation, Plymouth Township, Michigan, its officers, agents, successors, and assigns, shall:

Pay to Robert L. Whitney as net backpay the amount set forth opposite his name, plus interest computed in the manner prescribed in *Florida Steel Corp.*, 231 NLRB 651 (1977),<sup>2</sup> less tax withholdings required by Federal and state laws:

Robert L. Whitney \$28,858.56

<sup>1</sup> 262 NLRB 612.

<sup>2</sup> See, generally, *Isis Plumbing Co.*, 138 NLRB 716, 717-721 (1962).